

HOUSE JOINT RESOLUTION 73

By VanHuss

A RESOLUTION memorializing the United States Congress to propose an amendment to the United States Constitution limiting Justices of the United States Supreme Court to a single twelve-year term.

WHEREAS, the federal judiciary has drifted from the intent of the Constitution of the United States as set forth in its own decision, *Marbury v. Madison*; and

WHEREAS, that case, decided in 1803, established the precedent for judicial power and the role of the United States Supreme Court in striking down acts of Congress that conflict with the Constitution of the United States; and

WHEREAS, the United States Supreme Court has instead used its power to interpret and expand the Constitution, which has weakened the foundation of our constitutional republic, disrupting order and the original social compact among the Federal Government and the states; and

WHEREAS, by using its power in this way, the United States Supreme Court is in effect making law, and such power needs to be restrained under the checks and balances provided by the Constitution of the United States; and

WHEREAS, examples of lawmaking by the United States Supreme Court throughout our history include *Dred Scott v. Sandford* (endorsing slavery), *Plessy v. Ferguson* (affirming segregation), and *Korematsu v. United States* (upholding the internment of Americans); and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by the Congress whenever two-thirds (2/3) of both houses deem it necessary; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE

CONCURRING, that the General Assembly memorializes the Congress of the United States to propose an amendment to the Constitution of the United States limiting Justices of the United States Supreme Court to a single twelve-year term of office and to submit such amendment to the several states for proper ratification.

BE IT FURTHER RESOLVED, that certified copies of this resolution be sent to the President of the United States, the Vice President of the United States and President of the United States Senate, the Speaker of the United States House of Representatives, and the Tennessee Congressional Delegation.